

Donald E. Dorfman (SBN 63725)
ddorfman@nixonpeabody.com
Andrew R. Neilson (SBN 221694)
aneilson@nixonpeabody.com
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, CA 94111
Telephone: (415) 984-8200
Facsimile: (415) 984-8300

Attorneys for Plaintiff
WESTCHESTER SURPLUS LINES INSURANCE COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WESTCHESTER SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

vs.

URATA & SONS CEMENT, INC. and
BOSA DEVELOPMENT CALIFORNIA II,
INC.

Defendants.

CASE NO. C 11-02438 PJH

- 1. NOTICE OF CONDITIONAL SETTLEMENT**
- 2. STIPULATION AND PROPOSED ORDER CONTINUING PRETRIAL DEADLINES**

TO THE HONORABLE COURT:

On March 6, 2012, the above-captioned parties attended mediation with Jerry Spolter, Esq. at JAMS, San Francisco. The mediation included participants and issues from above-captioned action, as well as the underlying action known as Liburd v. Bosa Development, Inc. et al., San Francisco Superior Court, Case No. CGC-09-491615 (the "Underlying Action").

The parties herein, Westchester Surplus Lines Insurance Company ("Westchester") and Urata

& Sons Cement, Inc. (“Urata,” collectively the “Parties”)), together with Bosa Development California II, Inc. and Aon Risk Services, agreed to settle the insurance coverage issues under consideration in this case. Given the number of participants and the complexity of the issues, the parties are still negotiating the language of their settlement agreement.

STIPULATION

WHEREAS the Parties believe it would promote efficiency and the conservation of the Court’s and the Parties’ resources to continue pretrial deadlines while the Parties negotiate the language of their settlement agreement;

THEREFORE, the Parties, through their respective counsel of record, hereby agree and stipulate that:

1. Urata’s responsive pleading deadline shall be continued to May 7, 2012.
2. The Case Management Conference currently scheduled for April 5, 2012, shall be continued to June 7, 2012.

SO STIPULATED.

Dated: March 26, 2012

NIXON PEABODY LLP

By /s/ Andrew Neilson

Attorneys for Plaintiff
WESTCHESTER SURPLUS LINES
INSURANCE COMPANY

Dated: March 26, 2012

ERICKSEN ARBUTHNOT LLP

By /s/ Andrew Sclar

Attorneys for Defendant
URATA & SONS CEMENT, INC.

[PROPOSED] ORDER

For good cause appearing:

1. Defendant Urata & Sons, Inc.'s responsive pleading deadline is continued to May 7, 2012.
2. The Case Management Conference currently scheduled for April 5, 2012, is continued to June 7, 2012 at 2:00 p.m. in Courtroom 3, 3rd Floor, Federal Building, 1301 Clay Street, Oakland, California. The parties shall meet and confer as required by FRCP 26(f) with respect to those subjects set forth in FRCP 16(c). Not less than seven days before the conference, counsel shall file a joint case management statement addressing each of the items listed in the "Standing Order For All Judges of the Northern District – Contents of Joint Case Management statement." Any request to reschedule the date of the conference shall be made in writing, and by stipulation if possible, at least ten days before the date of the conference and must be based on good cause.

SO ORDERED.

April 3
Dated: ~~March~~ ____, 2012

Hon. Phyllis J. Hamilton

